REMARKS

Interview request

Applicants respectfully request a telephonic interview after the Examiner has reviewed the instant response and amendment. Applicants request the Examiner call Applicants' representative at 858 720 5133.

Status of the Claims

Pending claims

Claims 1 to 5, 16, 20 to 23, 40 to 55, 61 to 63, 65, 67, 68, 80 to 82, 88 to 92, 98 to 102, 107 to 111, 113 to 117, and 126 are pending. Claims 42 to 55, 61 to 63, 65, and 88 to 92 remain withdrawn as being drawn to a non-elected invention. Thus, claims 1 to 5, 16, 20 to 23, 40, 41, 67, 68, 80 to 82, 98 to 102, 107 to 111, 113 to 117, and 126 are pending and under consideration.

Claims added and deleted in the instant amendment

Claims 127 to 129 are added. Thus, after entry of the instant amendment, claims 1 to 5, 16, 20 to 23, 40, 41, 67, 68, 80 to 82, 98 to 102, 107 to 111, 113 to 117 and 126 to 129 will be pending and under consideration.

Claims only objected to

Applicants thank the Examiner for noting claim 2 is only objected to.

Outstanding Rejections

Claims 16, 67, 68, 80, 81, 110, 111 and 113 to 117 are rejected under 35 U.S.C. §112, second paragraph. The rejection of claims 1, 3 to 5, 16, 20 to 23, 40, 41, 67, 68, 80 to 82, 98 to 102, 107 to 111, 113 to 117, is maintained, and claim 126, are newly rejected, under 35 U.S.C. §112, first paragraph, written description requirement. The rejection of claims 1, 3 to 5, 16, 20 to 23, 40, 41, 67, 68, 80 to 82, 98 to 102, 107 to 111, 113 to 117, is maintained, and claim 126, are newly rejected, under 35 U.S.C. §112, first paragraph, enablement requirement. The rejection of claims 3, 5, 40, 82, 98 to 102, 107 to 111, 114 to 117 is maintained, and claim 126, are newly rejected, under 35 U.S.C. §102(b) as allegedly anticipated by Robertson et al., PCT publication WO 97/30160,

international publication date August 21, 1997 (hereinafter "Robertson"). Applicants respectfully traverse all outstanding objections to the specification and rejection of the claims.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the amended claims. For example, support for isolated, synthetic or recombinant nucleic acids of the invention, can be found, inter alia, in paragraph [0041] of U.S. Patent Application Publication no. 20020146799 ('the '799 publication"). Support for isolated, synthetic or recombinant nucleic acids of the invention having various sequence identities to exemplary polynucleotide sequences of the invention, or encoding polypeptides having various sequence identities to exemplary polypeptides of the invention, can be found, inter alia, in paragraphs [0224] and [0225] of the '799 publication. Accordingly, no new matter is added by the instant amendment.

Priority and objections under 35 USC §132(a)

To perfect this application's priority claim, Applicants filed the appropriately responsive petition (a "Renewed Petition to Accept Unintentionally Delayed Claim for Priority under 35 U.S.C. 365(c)") on March 24, 2006 (and PAIR notes it was entered on that date); amended the specification to comply with 35 USC §120 and 37 CFR §1.78(a)(2)(i) (by adding that this application claims the benefit of and is a continuation-in-part of U.S. Application Serial No. 09/382,242, filed August 24, 1999, now pending) on March 24, 2006; and, filed a corrected (substitute) Application Data Sheet (ADS) on March 24, 2006. These documents are fully responsive to the "Decision on Petition under 37 CFR 1.78(a)(3)", mailed May 28, 2004, and thus should perfect the instant application's claim to priority to PCT/US97/02039, filed February 11, 1997, published in English on August 21, 1997 as WO 97/30160.

In a telephonic interview with Karen Creasy, Petitions Examiner, on July 12, 2006, Ms. Creasy indicated that the Petitions Branch had a backlog in reviewing petitions, and she recommend filing a petition to expedite review of our "Renewed Petition to Accept Unintentionally Delayed Claim for Priority under 35 U.S.C. 365(c)" of March 24, 2006. A petition to expedite review of the March 24, 2006, petition was filed on July 12, 2006, and a copy is attached herein.

Claim objections

The Office objected to claim 20 for reasons set forth in lines 20 to 24, page 3 of the OA. The Office objected to claim 107 for reasons set forth in lines 1 to 6, page 4 of the OA. The instant amendment addresses these claim objections.

Issues Under 35 U.S.C. § 112, Second Paragraph

Claims 16, 67, 68, 80, 81, 110, 111 and 113 to 117 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for reasons as set forth in the OA on page 4, line 7 to page 5, line 14, of the OA. The instant amendment addresses these issues.

Issues Under 35 U.S.C. § 112, First Paragraph - Written Description

Possession of the Claimed Invention

The rejection of claims 1, 3 to 5, 16, 20 to 23, 40, 41, 67, 68, 80 to 82, 85, 98 to 102, 107 to 111, 113 to 117, is maintained, and claim 126, are newly rejected, under 35 U.S.C. §112, first paragraph, written description requirement, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors at the time the application was filed had possession of the claimed invention.

Applicants respectfully maintain that the specification did reasonably convey to one skilled in the art that the inventors at the time the application was filed had possession of the claimed invention for reasons set forth in previous responses, e.g., of March 24, 2006; November 03, 2005; May 17, 2004; and, November 21, 2003; all expressly incorporated herein.

However, Applicants believe further comment on issues that remain a concern to the Office would be constructive (see, e.g., page 5, line 15, to page 9, line 2, of the OA).

As presented in their previous responses, Applicants respectfully submit that describing a genus of polynucleotides in terms of physico-chemical properties (e.g., a % sequence identity or stringent hybridization to an exemplary nucleic acid or polypeptide, e.g., SEQ ID NO:26 or SEQ ID NO:36) and function (e.g., encoding a polypeptide having esterase activity) satisfies the written description requirement of section 112, first paragraph. The disclosed nucleic acid and polypeptide species of the claimed invention, SEQ ID NO:26 and SEQ ID NO:36, are sufficient to put one of skill in the art in possession of the attributes and features of all species within the claimed genera.

Applicants emphasized that the claimed genera are defined in terms of shared physical and structural properties, and claimed genus of nucleic acids are all structurally related, have defined structure function relationships, and have an expressly delimited structure.

As presented in their previous responses, both the Patent Office and the Federal Circuit set forth conditions where a single species is sufficient to put one of skill in the art in possession of the attributes and features of all species within a genus, where the genus is defined in terms of shared physical and structural properties with the single species. The referenced USPTO guidelines concerning compliance with the written description requirement of U.S.C. §112, first paragraph, state that a description of a genus of polynucleotides in terms of its physico-chemical properties, e.g., a % sequence identity, to a single exemplary species, and a common function satisfies the written description requirement of section 112, first paragraph, for the genus of polynucleotides. Example 14 of the Guidelines was cited.

Also as presented in their previous responses, the Federal Circuit has applied the written description requirement of the first paragraph of § 112 to inventions in the field of biotechnology, and cited and discussed University of California v. Eli Lilly and Co., 119 F.3d 1559, 1568, 43 USPQ2d 1398, 1406 (Fed. Cir. 1997); and Enzo Biochem. Inc. v. Gen-Probe Inc., 296 F.3d 1316, 63 USPQ2d 1609 (Fed. Cir. 2002). Applicant respectfully averred that the genus of polypeptides of this invention fully complies with the requirements for written description of a genus as set forth by the Federal Circuit, e.g., as set forth in University of California v. Eli Lilly & Co. and Enzo Biochem. Inc. v. Gen-Probe Inc. This application's claims clearly set forth specific structural and physical characteristics of the claimed esterase-encoding or esterase-identifying nucleic acids. The genus of claimed esterase-encoding or esterase-identifying nucleic acids is defined via shared physical and structural properties in terms that "convey with reasonable clarity to those skilled in the art that Applicant, as of filing date sought, was in possession of invention." (Vas-Cath Inc. V. Mahukar, 19 USPQ2d 1111, (Fed Cir. 1991)). The functions of the enzymes encoded by the claimed nucleic acids are sufficiently correlated to a particular, known structure (the exemplary sequence SEQ ID NO:26 or SEQ ID NO:36) and a physical (physico-chemical) property (percent sequence identity or stringent hybridization). Accordingly, the species of claimed nucleic acids, and polypeptides of the invention, were defined via shared physical and structural properties in terms

that conveyed with reasonable clarity to those skilled in the art that Applicants, as of the filing date and at the time of the invention, were in possession of the claimed invention.

The Office also remains concerned about the breadth (see, e.g., page 8, lines 3 to 4, of the OA) and function (see, e.g., page 8, lines 9 to 11, of the OA) of the genus of nucleic acids that are subsequences or fragments of "full length" enzyme-encoding nucleic acids (or their complementary sequences) of the invention. Applicants respectfully submit that claimed subsequences are claimed such that they expressly have either an enzymatic (esterase) function or can be used as a nucleic acid probe for the isolation or identification of esterase genes. The instant amendment also addresses this issue.

Accordingly, Applicants respectfully submit that in light of these remarks and the instant amendment the §112, first paragraph, written description rejection can be properly withdrawn.

Issues under 35 U.S.C. § 112, First Paragraph - Enablement

The rejection of claims 1, 3 to 5, 16, 20 to 23, 40, 41, 67, 68, 80 to 82, 98 to 102, 107 to 111, 113 to 117, is maintained, and claim 126, are newly rejected, under 35 U.S.C. §112, first paragraph, enablement requirement, as allegedly failing to comply with the enablement requirement.

The Office does note that the specification is enabling for polynucleotides encoding SEQ ID NO:36 (see e.g., page 9, lines 5 and 6, of the OA).

However, it is alleged that the specification is not reasonably enabling for polynucleotides encoding esterases and having 90 to 97% sequence identity to the exemplary SEQ ID NO:26, or enzymatically active subsequences thereof (see e.g., page 9, lines 6 to 16, of the OA). Applicants note that claims 20, 21 and 127 encompass nucleic acids having at least 95%, 97% and 98% sequence identity to SEQ ID NO:26, respectively. See also claim new 129, drawn to nucleic acids encoding polypeptide having an esterase activity and having a sequence identity to SEQ ID NO:36 of about 98%.

Applicants respectfully maintain that the specification did reasonably enable the claimed invention to one skilled in the art at the time the application was filed for reasons set forth in previous responses, e.g., of March 24, 2006; November 03, 2005; May 17, 2004; and, November 21, 2003, including Dr. Jay Short's expert declaration; all expressly incorporated herein.

However, Applicants believe further comment on issues that remain a concern to the Office would be constructive (see, e.g., page 9, line 3, to page 15, of the OA).

The Office remains concerned about the function of the claimed genus of nucleic acids, whether full length or as subsequences or fragments of "full length" enzyme-encoding nucleic acids (or their complementary sequences) of the invention (see, e.g., page 10, lines 5 to 13, of the OA). Applicants respectfully submit that claimed subsequences are claimed such that they expressly have either an enzymatic (esterase) function or can be used as a nucleic acid probe for the isolation or identification of esterase genes. The instant amendment also addresses this issue.

As presented in their previous responses, Applicants respectfully aver that the Patent Office has not met its initial burden to establish a reasonable basis to question the enablement provided for the claimed invention, and discussion was provided regarding the art cited by the Office to support its *prima facie* case of lack of enablement. For example, the Patent Office cited Guo (2004) Proc. Natl. Acad. Sci. USA 101:9205-9210 ("Guo"), to support its *prima facie* case of lack of enablement alleging, inter alia, that it was not routine to make multiple substitutions or multiple modifications of the exemplary sequence to generate additional species within the scope of the claimed genus (see, e.g., page 15, lines 3 to 13). Applicants argued that, inter alia, Guo's data actually demonstrates that significant numbers of active variants can be generated using a random mutation and screening protocol.

As presented in their previous responses, Applicants respectfully maintain that in view of the state of the art at the time of the invention the specification sufficiently enabled how to make and use, including how to screen for, active sequences of the invention using random mutagenesis techniques. Thus, it was not necessary that the skilled artisan pre-establish specific residues or regions of enzyme structure which may be modified without effecting enzyme activity (or to create a desired, new activity) to make and use the invention. Applicants presented an expert declaration by Dr. Short, who declared that it would not have required any knowledge or guidance as to which are the specific structural elements, e.g., amino acid residues, that correlate with esterase activity to create variants of the exemplary nucleic acid and test them for the expression of polypeptides or peptides having esterase activity. Dr. Short declared that the state of the art at the time of the invention and the level of skill of the person of ordinary skill in the art, e.g., screening enzymes, and

nucleic acids encoding enzymes, for esterase activity, was very high. Dr. Short declared that one skilled in the art could have used routine protocols known in the art at the time of the invention, including those described in the instant specification, to screen for nucleic acids encoding polypeptides having a percent sequence identity to SEQ ID NO:26, or active fragments thereof, for esterase activity. Dr. Short declared that was routine to screen for multiple substitutions or multiple modifications of an enzyme-encoding sequence and predictably achieve positive results.

As presented in their previous responses, Applicants also averred that if one skilled in the art desired some structural guidance as to what amino acid substitutions could be made to make the genus of esterase-encoding nucleic acids of the invention, such guidance could be found both in the specification and the state of the art at the time of the invention. For example, the specification provides express guidance regarding what amino acid substitutions could be made to make the genus of esterase-encoding nucleic acids of the invention, e.g., in paragraph [0205], page 49; or in paragraph [0054], page 10. Accordingly, the specification did provide guidance as to what base and residue changes could be made to make the genus of amylase-encoding nucleic acids of the invention.

Furthermore, Applicants respectfully averred that, if desired, direction and guidance to the skilled artisan as to which base (and amino acid residues) may be modified to obtain a structural or functional esterase variant was also readily available in the art at the time of the invention. While not necessary, but if desired, one skilled in the art at the time of the invention had many sources of guidance, in addition to the specification, to determine which bases (amino acid residues) of a sequence of the invention could be modified to make, identify, screen for and use structural and/or functional variants of the exemplary SEQ ID NO:26 or SEQ ID NO:36 without undue experimentation. For example, active sites and structures of various polypeptides having esterase activity had been described in various references (please see previous response for specific citations). Accordingly, one skilled in the art at the time of the invention, using the teaching of the specification had many sources of direction to determine which amino acid residues could be substituted, deleted or inserted into an exemplary nucleic acid to obtain a genus of esterases of the invention.

As presented in their previous responses, Applicants also averred that the proper test for enablement is that the scope of enablement must only bear a "reasonable correlation" to the scope of the claims, citing In re Fisher, and In re Wands. Applicants noted that as in In re Wands, at the time of the invention this invention only entailed relatively straightforward and routine protocols to make and identify variants of the exemplary enzyme of this invention. Determining whether any particular enzyme or nucleic acid fell with the scope of the claimed invention was a very straightforward and routine procedure; as discussed in detail in Applicants' November 19, 2003, response (pages 21 to 23) and Dr. Jay Short's expert declaration. All of the protocols needed to practice the invention were well known and there was a high level of skill in the art at the time the application was filed. Also analogous to In re Wands, the instant specification provided considerable direction and guidance on how to practice the claimed invention and presented working examples. For example, see Example 4, pages 73 to 74; paragraph [0274], page 69; page 15, paragraph [0075], of the specification.

The Office expressed concern that this guidance in the specification was "so general in nature as to add little or nothing to the predictability of which variants should be made ..." (see, e.g., page 14, lines 10 to 18. While Applicants averred that the specification and state of the art was sufficiently specific to provide reasonable guidance regarding selection of residues to modify, because of the high level of skill in the art (e.g., high through-put screening), they also maintain that one of skill did not need such residue-specific guidance; see e.g., Dr. Short's expert declaration.

However to further address the Office's concerns regarding the skilled artisan's possible need for residue-specific guidance, please note that simply comparing the sequences of known esterases would have provided the skilled artisan such direction, assuming he or she believed any such guidance even was necessary. For example, Applicants have prepared a sequence alignment between SEQ ID NO:36 (encoded, e.g., by the claimed, exemplary SEQ ID NO:26, see Fig. 8, pub. [0031]) and closely related sequence SEQ ID NO:39 (see Fig. 11, pub. [0034]; both enzymes were initially isolated from *Aquifex*). Both SEQ ID NO:36 and SEQ ID NO:39 have esterase activity, as screened for in the protocol set forth in Example 4 (see paragraphs [0287] to [0292] of the '799 publication), and the two have about 69% sequence identity. However, as noted by the color highlighting of the attached sequence comparison, the areas of similarly between the two

esterases SEQ ID NO:36 and SEQ ID NO:39 are extensive and provide more than sufficient guidance to design residue changes for making alternative species of esterase with the scope of the claimed invention. Further sequence comparison with other known esterases, or other exemplary esterases of this invention, could provide further guidance if desired.

In light of Applicants' remarks in this and earlier responses, including the submitted expert declaration by Dr. Jay Short, Applicants respectfully submit that the specification provides sufficient enablement to meet the requirements of 35 U.S.C. § 112, first paragraph, and the rejection can be properly withdrawn.

Issues Under 35 U.S.C. § 102 (b)

The rejection of claims 3, 5, 40, 82, 98 to 102, 107 to 111, 114 to 117 is maintained, and claim 126, are newly rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Robertson et al., WO 97/30160.

As discussed above, to perfect this application's priority claim, Applicants filed the appropriately responsive petition (a "Renewed Petition to Accept Unintentionally Delayed Claim for Priority under 35 U.S.C. 365(c)") on March 24, 2006 (and PAIR notes it was entered on that date); amended the specification to comply with 35 USC §120 and 37 CFR §1.78(a)(2)(i) (by adding that this application claims the benefit of and is a continuation-in-part of U.S. Application Serial No. 09/382,242, filed August 24, 1999, now pending) on March 24, 2006; and, filed a corrected (substitute) Application Data Sheet (ADS) on March 24, 2006. These documents are fully responsive to the "Decision on Petition under 37 CFR 1.78(a)(3)", mailed May 28, 2004, and thus should perfect the instant application's claim to priority to PCT/US97/02039, filed February 11, 1997, published in English on August 21, 1997 as WO 97/30160.

Also as discussed above, in a telephonic interview with Karen Creasy, Petitions Examiner, on July 12, 2006, Ms. Creasy indicated that the Petitions Branch had a backlog in reviewing petitions, and she recommend filing a petition to expedite review of our "Renewed Petition to Accept Unintentionally Delayed Claim for Priority under 35 U.S.C. 365(c)" of March 24, 2006. A petition to expedite review of the March 24, 2006, petition was filed on July 12, 2006, and a copy is attached herein. Thus, at such time the March 24, 2006, petition is reviewed and accepted, it can be

properly held that Robertson et al., WO 97/30160, is not prior art to the instant application, and the rejection under section 102(b) can be properly withdrawn.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully aver that the Examiner can properly withdraw the rejection of the pending claims under 35 U.S.C. §112, first and second paragraphs and at such time the March 24, 2006, petition is reviewed and accepted withdraw the rejection under 35 U.S.C. §102(b).

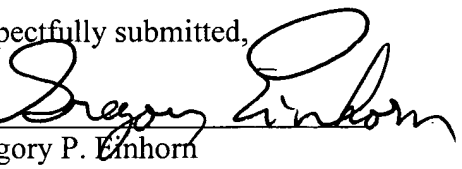
In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 564462000820.

As noted above, Applicants have requested a telephone conference with the undersigned representative to expedite prosecution of this application. After the Examiner has reviewed the instant response and amendment, please telephone the undersigned at 858 720 5133.

Dated: July 19, 2006

Respectfully submitted,

By 

Gregory P. Einhorn
Registration No.: 38,440
MORRISON & FOERSTER LLP
3811 Valley Centre Drive, Suite 500
San Diego, California 92130
(858) 720-5133 direct line
general office 858 720 5100
fax direct 858 523 5933
fax office 858 720 5125
email geinhorn@mofo.com

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 798 282 642 US, in an envelope addressed to: MS PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Karen Creasy, Petitions Examiner, on the date shown below.

Dated: July 12, 2006 Signature: (Judy Calem)

Docket No.: 564462000820
(PATENT)

OIPE IAP18
JUL 19 2006
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dan E. ROBERTSON et al.

Application No.: 09/903,410 Confirmation No.: 8980

Filed: July 10, 2001 Art Unit: 1652

For: ENZYMES HAVING ESTERASE ACTIVITY AND METHODS OF USE THEREOF Examiner: R. Prouty

PETITION TO EXPEDITE REVIEW OF PETITION UNDER 37 CFR 1.182

MS PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Karen Creasy, Petitions Examiner

Dear Sir:

Applicants respectfully request entry of this Petition to Expedite Review of Petition under CFR 37 Rule 1.182 for the above-captioned patent application.

sd-325535

REMARKS

Applicants respectfully request expedited review of the "RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 35 U.S.C. §365(C)" filed on March 24, 2006. Enclosed please find a copy of that document (16 pages).

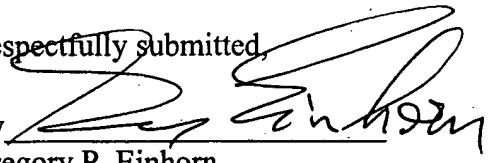
Applicants need an expedited decision on the March 24, 2006, petition to address a substantive rejection made in a pending office action on the merits.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing **Docket No. 564462000820**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 12, 2006

Respectfully submitted,

By 

Gregory P. Einhorn
Registration No.: 38,440
MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, California 92130-2040
(858) 720-5133 direct line
general office 858 720 5100
fax direct 858 523 5933
fax office 858 720 5125
email geinhorn@mofo.com

OIPE IAP18
JUL 19 2006
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PTO/SB/21 (09-04)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	21

Application Number	09/903,410
Filing Date	July 10, 2001
First Named Inventor	Dan E. ROBERTSON
Art Unit	1652
Examiner Name	R. Prouty
Attorney Docket Number	564462000820

ENCLOSURES (*Check all that apply*)

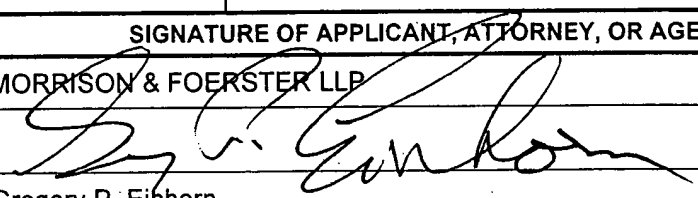
- [X] Fee Transmittal Form (1 page plus duplicate for fee processing)
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [X] Petition (2 pages)
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) (please Identify below):

Copy of documents filed on March 24, 2006 (16 pages) Return Receipt Postcard

Remarks

CUSTOMER NO.: 45975

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Gregory P. Einhorn		
Date	July 12, 2006	Reg. No.	38,440

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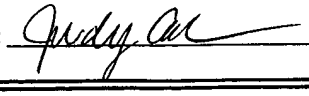
Dated: July 12, 2006 Signature:  (Judy Calem)

sd-325534

FOLD ALONG PERFORATIONS FOR EASY REMOVAL

OIPE JAP18
JUL 19 2006
PATENT & TRADEMARK OFFICE

Atty Docket No.: 564462000820

Inventor: Dan E. ROBERTSON et al.

Application No.: 09/903,410 **Filing Date:** July 10, 2001
Title: ENZYMES HAVING ESTERASE ACTIVITY AND METHODS OF USE THEREOF

Documents Filed:

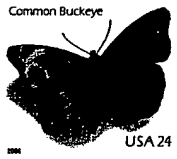
Transmittal (1 page)

Fee Transmittal (1 page plus duplicate for fee processing)

Petition to Expedite Review Petition under CFR 37 Rule 1.182 (2 pages)

Copy of Documents filed on March 24, 2006 (total 16 pages)

Via: Express Mail: Airbill No. EV 798 282 642 US
Sender's Initials: GPE2/jrc6 **Date:** July 12, 2006



MORRISON & FOERSTER LLP
12531 HIGH BLUFF DR., ST. #100
SAN DIEGO, CA 92130

OIPE IAP18 JUL 19 2006 PATENT & TRADEMARK OFFICE

PTO/SB/17p (11-04)
Approved for use through 7/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to:
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P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/903,410
Filing Date	July 10, 2001
First Named Inventor	Dan E. ROBERTSON
Art Unit	1652
Examiner Name	R. Prouty
Attorney Docket Number	564462000820

Enclosed is a petition filed under 37 CFR 1.182 **that requires a processing fee (37 CFR 1.17(f)), (g), or (h)). Payment of $** 400.00 **is enclosed.**

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. *For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.*

Payment of Fees (small entity amounts are NOT available for the petition fees).

[X] The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :
[X] Petition fee under 37 CFR 1.17(f), (g) or (h) [X] Any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

[ ] Check in the amount of $ _____ is enclosed.

[ ] Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee $400 Fee Code 1462

For petitions filed under:
§ 1.53(e) – to accord a filing date.
§ 1.57(a) – to accord a filing date.
§ 1.182 – for decision on a question not specifically provided for.
§ 1.183 – to suspend the rules.
§ 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
§ 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee $200 Fee Code 1463

For petitions filed under:
§ 1.12 – for access to an assignment record.
§ 1.14 – for access to an application.
§ 1.47 – for filing by other than all the inventors or a person not the inventor.
§ 1.59 – for expungement of information.
§ 1.103(a) – to suspend action in an application.
§ 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
§ 1.295 – for review of refusal to publish a statutory invention registration.
§ 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
§ 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
§ 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
§ 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
§ 5.12 – for expedited handling of a foreign filing license.
§ 5.15 – for changing the scope of a license.
§ 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee $130 Fee Code 1464

For petitions filed under:
§ 1.19(g) – to request documents in a form other than that provided in this part.
§ 1.84 – for accepting color drawings or photographs.
§ 1.91 – for entry of a model or exhibit.
§ 1.102(d) – to make an application special.
§ 1.138(c) – to expressly abandon an application to avoid publication.
§ 1.313 – to withdraw an application from issue.
§ 1.314 – to defer issuance of a patent.

Signature	July 12, 2006 Date
Gregory P. Einhorn Typed or printed name	38,440 Registration No., if applicable

sd-325538